Canadian Human Rights Tribunal

2004–2005 Estimates

Part III — Report on Plans and Priorities

Minister of Justice

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Section 1 Messages

1.1 Chairperson's Message

Events in the past year have called on all the Tribunal's resources to prepare for the year to come.

One of the most significant developments in the past year was the resolution of questions about the Tribunal's independence and impartiality. In June 2003, the Supreme Court of Canada ruled that the Tribunal enjoys sufficient independence from both the federal government and the Canadian Human Rights Commission to provide all parties that appear before it with a fair and impartial hearing.

The number of parties appearing before the Tribunal continues to increase: for a third year, the Canadian Human Rights Commission referred more cases to the Tribunal for hearing than in the previous year. This increased workload poses a significant challenge for the Tribunal, particularly in light of the Commission's new policy on participation in hearings.

The Commission no longer participates in the hearings of all cases it refers to the Tribunal. In many cases, the absence of the Commission means that the complainant does not have legal counsel. The result is much longer hearings, as some complainants—who are not familiar with the Tribunal hearing process—are forced to represent themselves. There is also an extra burden on Tribunal staff, to whom complainants and other unrepresented parties turn for guidance on conforming with pre-hearing rules of procedure and presenting a case at the Tribunal.

To ease this burden, the Tribunal has prepared guides designed to explain the Tribunal's processes to unrepresented parties. In response to its increased workload, the Tribunal is developing electronic case management and filing systems.

Recently, the Tribunal Chairperson was appointed to the Federal Court and this position has not yet been filled. Further, the Registrar of the Tribunal, who has been with the Tribunal since its creation as a separate, independent body from the Commission, will retire in the new year, with the loss of 25 years of corporate history.

We have asked the Minister to confirm the appointment of a new Chairperson and have commenced the staffing process to find a replacement for the Registrar's position.
We extend a fond farewell to both the Chairperson and Registrar and thank them for their years of dedicated service to Canadians.

I am confident that the Tribunal is up to the challenge of continuing to offer to Canadians a full and fair hearing in a timely fashion.

J. Grant Sinclair

1.2 Management Representation

MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the *2004–2005 Report on Plans and Priorities (RPP)* for the Canadian Human Rights Tribunal.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004–2005 Report on Plans and Priorities:*

- It accurately portrays the organization's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- It is comprehensive and accurate.
- It is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: _____

Title: Chairperson

Date: April 26, 2004

Section 2 Raison d'être

2.1 Tribunal's Results Chain

The Tribunal's Mission (end outcome) and Results for Canadians (intermediate and immediate outcomes) are summarized below:

Results Chain	
End outcome	
Canadians have equal access to the opportunities that exist in our society through the fair and equitable adjudication of human rights cases that are brought before the Canadian Human Rights Tribunal.	
Intermediate outcomes	
• To provide clear and fair interpretation of the CHRA and EEA. • To provide an adjudication process that is efficient, equitable and fair to all who appear before the Tribunal. • To establish meaningful legal precedents for the use of employers, service providers and Canadians.	
Immediate outcomes	
• To provide Canadians with a dispute resolution process that allows for complaints of discrimination to be heard and ruled on fairly and impartially. • To award fair remedies as appropriate to end future discriminatory practices. • To provide Canadians with an improved and meaningful understanding of their rights and obligations under both the CHRA and the EEA.	
Outputs (what we deliver)	• Information on hearings processes, procedures and the Acts. • Decisions and rulings on cases before the Tribunal.
Activities (what we do)	• Conduct hearings and mediation to resolve complaints of discrimination
Inputs (our resources)	• Total cost of operations in 2004–2005: $4,278,000 and 26 full-time equivalent employees.

2.2 Role of the Tribunal

The Canadian Human Rights Tribunal is a quasi-judicial body created by Parliament to inquire into complaints of discrimination and to decide if particular practices have contravened the CHRA. Only the Tribunal is empowered by the statute to determine whether there has been a discriminatory practice.

The Tribunal considers matters concerning employment or the provision of goods, services, facilities or accommodation. The CHRA makes it an offence for anyone to discriminate against any individual or group on 11 grounds:

- race;
- national or ethnic origin;
- colour;
- religion;
- age;
- sex (includes pay equity, pregnancy, childbirth and harassment, although harassment can apply to all grounds);
- marital status;
- family status;
- sexual orientation;
- disability (can be mental/physical and includes disfigurement, and past, existing or perceived alcohol or drug dependence); or
- conviction for which a pardon has been granted.

The Tribunal's jurisdiction covers matters that come within the legislative authority of the Parliament of Canada, including those concerning federal government departments and agencies, as well as banks, airlines and other federally regulated employers and providers of goods, services, facilities and accommodation. The Tribunal holds public hearings to inquire into complaints of discrimination. Based on evidence and the law (often conflicting and complex), it determines whether discrimination has occurred. If it has, the Tribunal determines the appropriate remedy and policy adjustments necessary to prevent future discrimination and to compensate the victim of the discriminatory practice.

The majority of discriminatory acts that we adjudicate on are not malicious. Many conflicts arise from long-standing systemic practices, legitimate concerns by employers, or conflicting interpretations of statutes and precedents. The role of the Tribunal is to discern the positions of the parties and establish fair and appropriate "rules" to resolve the dispute.

The Tribunal may only inquire into complaints referred to it by the Canadian Human Rights Commission, usually after a full investigation by the Commission. The Commission resolves most cases without the Tribunal's intervention. Cases referred to the Tribunal generally involve

complicated legal issues, new human rights issues, unexplored areas of discrimination or multifaceted evidentiary complaints that we must hear under oath, especially in cases with conflicting evidence, where issues of credibility are central.

The Tribunal is not an advocate for the CHRA; that is the role of the Commission. The Tribunal has a statutory mandate to apply the Act based solely on the evidence presented and on current case law. If there is no evidence to support the allegation, then the Tribunal must dismiss the complaint.

Section 3 Planning Overview and Strategic Plan

3.1 Funding

The Tribunal is funded by annual appropriations from Parliament through a program expenditures vote for hearings and administrative operating expenditures. Main reference levels are not usually sufficient to cover costs for pay equity cases; additional funding for these cases is requested annually through supplementary estimates based on projected costs.

3.2 What's New

Pay equity cases

There have been no new pay equity case referrals under s.11 of the Act since 1997.

In 2003, hearings continued in one of the Tribunal's two remaining pay equity cases and concluded in the other.

Canadian Telephone Employees' Association (CTEA) et al. v. Bell Canada
Hearings in this case continued resulting in 37 hearing days in 2003, for a total of 166 since hearings began in 1998. A notable change took place in this case in October of 2002, as the CTEA withdrew its complaint against Bell Canada. The complaints of the Communications, Energy and Paperworkers Union of Canada and Femmes-Action is continuing. On June 26, 2003, the Supreme Court dismissed Bell Canada's appeal with regard to the Tribunal's independence and impartiality, allowing hearings to continue. Hearings are expected to continue for at least two more years.

Public Service Alliance of Canada (PSAC) v. Canada Post
After nearly a decade comprising 414 hearing days, this is the Tribunal's longest-running case. In 2003, there were 14 days of hearings during which all parties finished presenting their evidence. Written final submissions were completed early in 2003 and final arguments were heard in the spring and early summer. A final decision may be released by the end of 2004.

Supreme Court of Canada decision dealing with the Tribunal's institutional impartiality

In the 1990s, Bell Canada, a respondent to wage discrimination complaints before the Tribunal, raised this and other institutional concerns in a Federal Court application. After a 1998 Trial Division decision upheld Bell Canada's arguments and halted the inquiry into the wage discrimination complaints, Parliament amended the CHRA. The amendments significantly

reduced the linkages between the Commission and Tribunal. Nevertheless, Bell launched a new application and a 2000 Trial Division decision held that, even with the amendments, the Tribunal was still not sufficiently independent to provide a fair hearing. In 2001, however, this decision was overturned by the Federal Court of Appeal, which endorsed the fairness of the current statutory scheme.

Bell received leave to appeal the matter to the Supreme Court of Canada and, on June 26, 2003, the Court issued its decision in *Bell Canada v. Canadian Telephone Employees' Association* 2003 SCC 36.

Before the Supreme Court, the institutional independence and impartiality of the Tribunal were challenged on two grounds, namely (1) the power of the Canadian Human Rights Commission (CHRC) to pass binding guidelines governing the interpretation the Tribunal must give to the CHRA in a class of cases, and (2) the power of the Chairperson to extend members' expired terms to complete any cases they are handling. The Court rejected all arguments.

The issuance of the Supreme Court's decision signifies the end of a long period of uncertainty for the Tribunal. It is now clear, not only that the CHRC's current guideline-making power is acceptable from a fairness perspective, but that the statute more generally strikes an appropriate balance between the advancement of policy objectives and the rights of litigants to be judged by an independent and impartial decision maker.

3.3 Major Challenges and Risks

Major issues of concern facing the Tribunal in 2004–2005 include:

1. caseload issues;
2. amendments to the CHRA;
3. the CHRC's new role in appearing before the Tribunal;
4. changes in Tribunal management; and
5. disability cases.

1. Caseload issues

The number of cases being referred to the Tribunal has risen dramatically over the past year, with 130 new cases referred to the Tribunal in 2003. This is notably higher than the average of 25 referrals per year from 1996 through 1999. To respond, we hired new staff on a temporary basis and made major revisions to our operating policies and procedures to continue to process cases through the system. However, with such an overwhelming increase in cases throughout the first nine months of 2003, we were not able to maintain our usual time frames in the processing of cases. While the delays are not overtly significant, any decline in service to our

clients is not acceptable. We are monitoring very closely our caseload issues to see if this pattern continues in 2004–2005 to ensure that the quality of our services is not compromised. To address this problem, the Tribunal has completed a detailed analysis of what it can do within its current budget, resulting in operational changes outlined in sections 2 and 3. The Tribunal will likely require additional resources in 2004–2005, at which time a detailed report will be submitted to the appropriate funding authorities within government.

We understand that the increase in referrals from the Commission is based on two prime factors: they are receiving many more human rights complaints than ever before; and they have introduced new measures to clear their backlog so that the Commission considers more cases at its monthly meetings.

Based on the projections from the Commission, the Tribunal expects there to be at least as many new referrals in 2004 as there were in 2003. Table 3.1 shows the number of referrals from the Commission since 1996.

Table 3.1: Tribunals Constituted, 1996 through 2006

										Projected		
Year	1996	1997	1998	1999	Average 1996 to 1999	2000	2001	2002	2003	2004	2005	2006
Number of referrals	15	23	22	37	**25**	73	87	55	130	130	135	140

Notes:
1. Includes employment equity cases.
2. The number of cases before the Canadian Human Rights Tribunal depends entirely on how many cases are referred by the Canadian Human Rights Commission. The number of referrals has generally continued to increase since 1996. For 2004–2005, the number of referrals of human rights and employment equity cases is projected to be equivalent to the number of referrals in 2003, which represents an increase of almost 900 percent over 1996 referrals.

With the recent decision by the Commission not to fully participate in all Tribunal hearings, the number of unrepresented parties appearing before the Tribunal has grown to an unprecedented level. In response, to serve the needs of these parties, we revised many of our documents to assist these parties understand both the legalese and how the process works. The Tribunal has attempted to simplify its process and is preparing a number of how-to pamphlets to explain our legal process in plain language. These new documents will be distributed to parties starting early in 2004. Further efforts to assist unrepresented parties will continue in 2004–2005.

In addition, members are holding more case conference sessions with parties to answer procedural questions and provide direction. We plan on expanding our use of video conferencing in 2004–2005 to better serve the needs of clients.

2. Amendments to the CHRA

Report of the *Canadian Human Rights Act* Review Panel entitled *Promoting Equality: A New Vision*

In 2000, the *Canadian Human Rights Act* Review Panel recommended sweeping changes to the way the federal government enforces human rights. The review panel recommended a new process for resolving human rights disputes, one designed to end the Canadian Human Rights Commission's "monopoly on complaint processing." Chaired by former Supreme Court of Canada Justice the Honourable Gérard La Forest, the review panel proposed that public legal assistance be made available for complainants to bring their cases directly to the Tribunal. To illustrate the potential impact, under the La Forest model, as many as 1,000 new cases could be filed each year compared with the 130 new cases the Tribunal received in 2003. The report recommends that the Commission cease to investigate complaints; rather, both the initial screening of claimants and the investigation phase would be undertaken by the Tribunal. The changes would eliminate potential "institutional conflicts between the Commission's role as decision maker and advocate," according to the review panel.

Such profound changes would dramatically transform the structure and function of the Tribunal. Not only would the larger caseload necessitate the appointment of more members, but the Tribunal would also need to increase its research and administrative capacity. Moreover, it would have to develop new methods of operation, including a new system of case management. Much work has been done over past three years for the possible implementation of the review panel's recommendations. In May 2002, the Minister of Justice announced that he planned to introduce amendments to the Act in the fall of 2002. However, such amendments have not yet been introduced. The Tribunal remains prepared to implement a new system whenever amendments are brought forward and approved by Parliament.

These are interesting times, posing interesting challenges for the Tribunal. We have no control over the outcome. The Minister through Parliament, will determine our future and we look forward to meeting the challenges set for us. We have done some preliminary evaluations and operational planning based on various scenarios, and feel confident that we can respond to whatever is presented to us.

3. The CHRC's new role in appearing before the Tribunal

New procedures at the Canadian Human Rights Commission

In response to an ever-increasing caseload and limited resources, the CHRC has made many changes in how it manages cases it refers to Tribunal. Those changes have required the Tribunal to make ongoing adjustments to how it conducts its business. A brief outline of new CHRC procedures is presented below.

In early 2003, the Commission advised that it would fully participate in only 20 to 25 cases per year. This would result in approximately 100 cases in which complainants would be without Commission support and would be responsible for presenting evidence and legal arguments on their own. Generally, an unrepresented party has more difficulty than a CHRC lawyer in presenting evidence and argument. The Commission further advised, in the spring of 2003 that it would have counsel at all hearings, but in cases in which it was not a full participant, counsel would be limited to a brief opening statement on the law and counsel's understanding of the facts.

In September, the Commission introduced a new procedure whereby any case being referred to the Tribunal would first be given 60 days to be resolved through the Commission's conciliation process. If not resolved in 60 days, the case would then be forwarded to the Tribunal for hearing. If the case were resolved through conciliation, the Tribunal would not be informed of the case.

In November, the Department of Justice, as the legal representative of government departments, challenged the Commission's new limited role at the Tribunal stage, specifically the concept of only making an opening statement then disengaging from the process. The Tribunal, in a written ruling, accepted the Department of Justice's argument and advised that the Commission could no longer follow this procedure. The effects of this ruling on the extent of the Commission's participation in the hearing process is yet to be determined.

In 2004–2005, the Tribunal will continue to take the necessary measures to adapt to the new Commission procedures to maintain quality service to our clients.

4. Changes in Tribunal management

The Canadian Human Rights Tribunal is a very small organization comprising 26 full-time employees, including four full-time members. The organization has a history of retaining its employees through a program of fairness, equality and respect. Six employees (25% of current staff) have more than 15 years' experience in the federal human rights process, including three with more than 25 years' experience. Our Chairperson and Vice-Chairperson were originally appointed as part-time members some 15 years ago. This long-term stability has allowed us to deliver a very high and well-respected level of service to Canadians.

However, some imminent changes will directly affect the operations of the Tribunal. In late November 2003, with the unanticipated appointment of the Chairperson as a judge of the Federal Court and the announced retirement in April 2004 of the Registrar after 26 years of service, the Tribunal will undergo a rebirth with new leadership. In addition, over the next three years, the Tribunal will lose three long-serving employees to retirement and will possibly lose two full-time members as well. We are fortunate that our current Vice-Chairperson was just recently reappointed to a five year term. He has assumed the duties of the Chairperson until the government makes a permanent appointment.

The Chairperson's appointment to the Federal Court of Canada was a difficult and challenging event for staff. Anne Mactavish has been the only full-time Chairperson the Tribunal has had. Appointments to the Bench are made with no warning and such appointees must immediately cease all duties related to their current position. The Vice-Chairperson, as required by the statute, assumed the duties of the Chairperson. Thankfully, his vast experience with the Tribunal has made this transition smooth and seamless. However, the government still needs to appoint a permanent Chairperson. The staff has commenced its transition planning in the event the appointee comes from outside the agency or the government itself. Detailed briefings will be prepared for the new Chairperson.

Preparations for the Registrar's replacement have followed a more routine process. Updates and revisions were made to the position description and core competencies were modernized to reflect current needs. The Public Service Commission, as the recruiter for executive level positions, has assumed responsibility for the staffing of the position in accordance with government hiring practices. The process has commenced with the intent of having the new Registrar on board before the departure of the incumbent by April 2004. In addition, succession planning to replace the three employees planning to retire over the next three years are in place. We are confident that existing employees are fully capable of filling these positions and carrying on the tradition of providing quality service to our clients.

However, the loss of two senior officials within a five-month period will place an additional burden on staff. In 2004–2005 there will be a period of adjustment to the styles and priorities of the new leadership. However, the Tribunal staff is committed to ensuring that the quality of service is not adversely affected by these changes.

5. Disability cases

In the 1980s, the Tribunal dealt with many disability complaints that worked their way through the system to the Supreme Court. Through this exercise, explicit tests were established to ensure equity for those with disabilities. But recent Supreme Court rulings, together with amendments to the CHRA introducing a duty to accommodate, have resulted in some uncertainty about respondents' obligations in meeting the needs of people with disabilities.

In 2002 and 2003, approximately 39 percent of all discrimination cases referred to the Tribunal were based on disability. This trend should continue for the foreseeable future. In these cases, the Tribunal will be asked to apply the new tests as defined by the Supreme Court rulings and the duty to accommodate, introduced in such cases as *Meorin* and *Grismer*. The Tribunal will be expected to establish the ground rules for accommodating those with disabilities based on the new criteria of "undue hardship." These tests will vary from respondent to respondent and depending on the disability in question. The task will be daunting, interesting and extremely important to those with various disabilities.

Section 4 Plans and Priorities by Strategic Outcome

4.1 Summary

The Tribunal's priorities are largely dictated by its straightforward and singular mission:

> Canadians have equal access to the opportunities that exist in our society through the fair and equitable adjudication of human rights cases that are brought before the Canadian Human Rights Tribunal.

We will therefore continue to do what we do well: provide Canadians with a fair and efficient public hearing process through the adjudication of human rights disputes. Tribunal members will provide well-reasoned decisions and, where appropriate, order suitable remedies for those who have suffered discrimination. The Tribunal's decisions will also provide guidance and direction to employers and service providers on the development of policies and practices that are consistent with respect for human rights.

In addition to its usual business, the Tribunal plans to pursue the goals summarized in the following chart:

Priorities	**Associated resources**	**Type of priority**
1. Respond to the results of the survey conducted in 2002 on the quality of services provided to clients	N/A	Previous
2. Review existing performance targets	N/A	Ongoing
3. Complete remaining Modern Comptrollership initiatives	$30,000	Ongoing
4. Review and consider developing and implementing a communications strategy to fully inform the public about our mandate and purpose	N/A	Ongoing
5. Continue to work, as required, with the Department of Justice on possible amendments to the CHRA in response to the La Forest report	Dependent on mandated requirements	Ongoing
6. Develop new tools to assist unrepresented parties who appear before the Tribunal	$25,000	New

7. Plan for a smooth transition for the change in senior management	N/A	New
8. Conduct a review on the feasibility and benefits of a new computerized case management system and electronic filing system	$300,000	New
9. Other — Business as usual	$3,923,000	

Notes:
1. Priorities listed as N/A under associated resources involve only salary dollars for actual time spent on these activities by existing staff. No incremental costs are involved.
2. The above priorities could change with the upcoming appointment of new members to the management team.

4.2 Details

1. Respond to the results of the survey conducted in 2002 on the quality of services provided to clients

This priority from our *2003–2004 Report on Plans and Priorities* has been completed. The feasibility of conducting other surveys in the future will be determined at a later date through consultations with the new management team.

2. Review existing performance targets

Planned activities	Results and time lines
Assess adequacy of existing targets, analyse case statistics and service levels, modify procedures and develop new measures if appropriate	New measures confirmed or established by March 2005 that will appropriately assess the timeliness and effectiveness of the hearing process

During past years, the Tribunal established three leading performance targets for ensuring the timely and effective delivery of hearings processes to clients:

- commencing hearings within six months of receiving a case referral
- concluding cases within twelve months of referral
- rendering decisions within four months of the close of the hearing

Statistics compiled for 2003 indicate that we are having difficulties achieving these targets due to: drastic increases in the number of cases referred to us by the Commission; increases in the number of cases with unrepresented parties; and staff shortages.

In 2004–2005, we will be reviewing these targets to determine whether they continue to be adequate to assess our performance within our changing operating environment, particularly as a result of the Commission's procedural changes outlined in Section 3. We will continue to closely monitor our caseloads and service delivery levels and make any necessary adjustments to our procedures as required. If service levels do decline, the Registry will approach the necessary agencies to obtain additional financial and human resources, including additional members to deal with increased caseloads. The Tribunal has asked the Minister to confirm the appointment of a new Chairperson and to consider more full-time and/or part-time Governor-in-Council appointments.

3. Complete remaining Modern Comptrollership initiatives

Planned activities	Results and time lines
Develop a results-based management accountability framework (RMAF), implement the RMAF, implement and monitor the Modern Comptrollership Sustainability Plan	Appropriate performance measures in place by March 2005, sustained modern management practices, sound management of resources and effective decision making in the first year of planning period and ongoing after that

This is the only initiative remaining from our Modern Comptrollership Action Plan (available at www.chrt-tcdp.gc.ca).

In 2004–2005, an outside consultant will be hired to assist us in developing a performance and evaluation framework. We will work with the consultant to develop a more comprehensive logic model and to re-assess our performance indicators and targets. From this information, the consultant will be able to prepare a results-based management accountability framework. This exercise will also help us to determine if our targets are still appropriate, as explained in priority 2.

To ensure that Modern Comptrollership practices continue into the future and become embedded in the culture of the Tribunal, a sustainability plan that has already been developed will be implemented and monitored regularly in the upcoming years.

4. Review and consider developing and implementing a communications strategy to fully inform the public about our mandate and purpose

Planned activity	Results and time lines
Distribute information packages	Canadians have an increased understanding of the Tribunal's role and procedures

A number of information packages on the role of the Tribunal have been developed and will be distributed to parties appearing before the Tribunal over the next few years.

5. Continue to work, as required, with the Department of Justice on possible amendments to the CHRA in response to the La Forest report

Planned activity	Results and time lines
Develop operational models based on the changes proposed to the Tribunal's structure and role by amendments to the CHRA	More timely access for Canadians to the human rights process and continuity in the provision of services during transition of enactment of CHRA amendments

The Department of Justice has yet to move forward with the introduction of amendments to the CHRA. We have had some very preliminary discussions but no specific timetable has been announced. If and when the new Minister of Justice decides to submit amendments to Parliament on the CHRA, the Tribunal is prepared to work with the department on the development of operational procedures concerning the hearing process.

6. Develop new tools to assist unrepresented parties who appear before the Tribunal

Planned activity	Results and time lines
Develop additional how-to documents for the use of unrepresented parties	Additional simplified user information for unrepresented parties by March 2005

The rise in unrepresented parties appearing before the Tribunal has placed an increased burden on staff to explain and provide information on the basics of an administrative law system. Last year we produced a number of how-to documents to assist our clients in understanding the process. These will be distributed shortly and additional documents will be produced as required in 2004–2005.

7. Plan for a smooth transition

Planned activities	Results and time lines
Prepare briefing materials, schedule meetings and provide support to new managers	Smooth transition in management and continuity in operations within that year

In early 2004–2005, the Tribunal will have a new Chairperson and Registrar, two positions central to the success of the Tribunal. To prepare for the new management team, each operational manager will assemble a detailed briefing book on his or her own section, outlining the section's role within the organization, budgets and key activities that require senior management knowledge and involvement. The briefing books will be followed up with individual and group meetings allowing for in-depth discussions on the issues facing the new managers. In addition, the current Registrar will remain with the organization for a short time to provide support, historical perspective and advice to the new management team.

Meetings with outside agencies and departments with whom the Tribunal has regular communications and activities will also be scheduled for our new management team.

8. Conduct a review of a new computerized case management system and electronic filing system

Planned activities	Results and time lines
Research case management systems and install chosen product and conduct cost-benefit analysis of implementing electronic system of case filing	Case management system installed by March 2005 and analysis of electronic filing system completed by March 2005, with a new electronic filing system installed, if determined feasible, by March 2006

In 2004–2005, the Tribunal will undertake an ambitious project to improve its electronic case management capabilities. With the build-up of cases, our current computerized case management and tracking system has become outdated and inefficient and does not provide the information support needed for sound management. Managers require improved, rapid access to case information to make decisions on case scheduling, disclosure timetables and assignment of cases to members and staff. Numerous electronic case management packages are available on the market and many other government administrative tribunals have computerized case management systems in place. During 2004–2005, the Tribunal will review the various options available and select the product and system that best meets our needs. It is hoped, depending on available resources, that this project will be completed by the end of 2004–2005.

In addition, given the rapid expansion, especially in the legal community, of the ability to transfer documentation electronically, the Tribunal will explore the feasibility and the economic and operational benefits of introducing an electronic filing system. More and more courts and administrative agencies have introduced the time-saving and cost-effective practice of filing documents electronically. As lawyers become more familiar with these systems, they are starting to demand similar service from boards and tribunals. Within a few years, all government boards and tribunals will be required to have such a system. Our Tribunal will work with other federal institutions that have such systems to learn from their experiences and to minimize the cost of introducing a new system. This project should be completed by March 2006.

We will integrate whatever electronic systems we introduce with the normal filing of hard-copy documents to ensure that those parties who do not have the technical capability to file documents electronically will receive an equal level of service from the Tribunal.

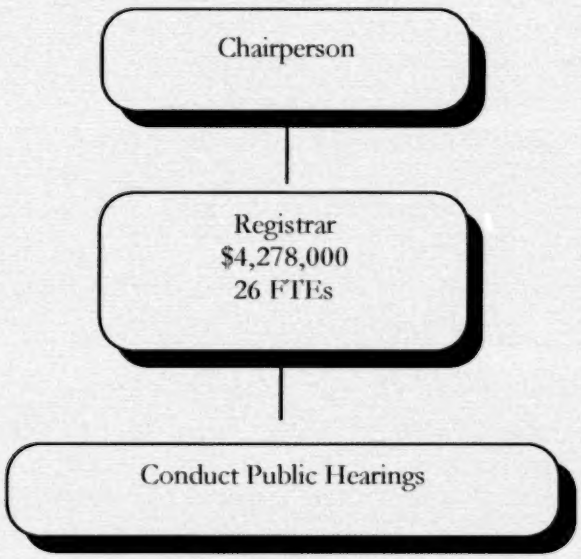
Section 5 Organization

5.1 Organization and Accountability

The Canadian Human Rights Tribunal consists of two sections: the members of the Tribunal (the adjudicators) and the Registry. The Tribunal currently consists of 11 members appointed by the Governor in Council: the Chairperson and Vice-Chairperson, who by statute must be full-time members, two additional full-time members; and seven part-time members. Members' backgrounds vary, but most have legal training and all must have experience, expertise, interest in and sensitivity to human rights issues. The Registry provides full administrative support services to the members and is responsible for planning and organizing the hearing process.

The Registry's activities are entirely separate from the adjudication process. The Registry is accountable for the resources allocated by Parliament. It plans and arranges hearings, acts as a liaison between the parties and members, and gives members the administrative support they need to carry out their duties. It must provide high-quality, effective services to the Canadian public. The members and Registry are supported by the Corporate, Finance, Information Technology and Communications sections.

Figure 5.1: Accountability Chart



5.2 Planned Spending

($ millions)	Forecast Spending 2003–2004*	**Planned Spending 2004–2005**	Planned Spending 2005–2006	Planned Spending 2006–2007
Budgetary Main Estimates (gross)	4.2	**4.3**	4.3	4.3
Non-budgetary Main Estimates (gross)	—	—	—	—
Less: Respendable Revenue	—	—	—	—
Total Main Estimates	4.2	**4.3**	4.3	4.3
Adjustments:				
Pay Equity Cases	0.8	—	—	—
Operating Budget Carryforward	0.2	—	—	—
Total Adjustments	1.0	—	—	—
Net Planned Spending	5.2	**4.3**	4.3	4.3
Less: Non-respendable Revenue	—	—	—	—
Plus: Cost of services received without charge	0.7	**0.7**	0.7	0.7
Net Cost of Program	5.9	**5.0**	5.0	5.0

Full-time Equivalents	26	**26**	26	26

* The decrease in planned spending from 2003–2004 to 2004–2005 and beyond is attributable to the fact that planned spending has not yet been approved for pay equity cases.

Section 6 Annexes

6.1 Financial Information

Table 6.1: Net Cost of Program for the Estimates Year

($ millions)	Total
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	4.3
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada	0.6
Contributions covering employees' share of insurance premiums and costs paid by Treasury Board Secretariat	0.1
Workers' compensation coverage provided by Human Resources Development Canada	—
Salary and associated expenditures of legal services provided by Justice Canada	—
	0.7
Less: Non-respendable revenue	—
2004–2005 Net Cost of Program	**5.0**

Calculations: Insurance Plans — 8% of $1,780,000 = $142,400

6.2 Other Information

Contacts for Further Information and Web Site

Registrar
Canadian Human Rights Tribunal
160 Elgin Street
11th Floor
Ottawa, Ontario
K1A 1J4

Tel: (613) 995-1707
Fax: (613) 995-3484

e-mail: registrar@chrt-tcdp.gc.ca
Web site: www.chrt-tcdp.gc.ca

Legislation and Associated Regulations Administered

The Minister of Justice is responsible to Parliament for the following Act:
Canadian Human Rights Act (R.S. 1985, c. H-6, as amended)

The Minister of Labour is responsible to Parliament for the following Act:
Employment Equity Act (S.C. 1995, c. 44, as amended)

Statutory Annual Reports and Other Tribunal Reports

The following documents can be found on the Tribunal's Web site:

Annual Report (2002)
Modern Comptrollership Capacity Assessment Final Report June 2002
Report on Plans and Priorities (2003–2004 Estimates)
Rules of Procedure